

## **DETAILED ACTION**

### ***Introduction***

1. This **FINAL** office action is in response to communications received on September 21, 2009. No claims have been amended, cancelled, or added. Claims 1-9, 12-21, 24, 26, and 27 are currently pending.

### ***Response to Arguments***

2. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues that:

(A) regarding independent claims 1, 12, and 24, none of the cited references teach or suggest "wherein after an item on the to-do list is selected and the exception presents problems that cannot be solved that current workday, a jeopardy option is selected;" and

(B) all dependent claims are allowable based on argument (A).

**Regarding argument (A)**, Examiner respectfully disagrees. Under the broadest reasonable interpretation of the claims, the cited references certainly teach the claimed subject matter. Col. 9, lines 23-34 of Sinex teach corrective action notes, the corrective action being a response to an exception. Ferriter and Slate teach storing an exception start time (col. 12, lines 43-53) and a menu of exception categories (par. 265), respectively. Thus, the cited references teach an "option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time." If, as claimed, "the exception presents problems that cannot be solved that current workday," Sinex teaches revising the task

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delay time by a number of days and describing the reason for the delay (col. 13, lines 23-34), which is a jeopardy option and jeopardy identifier.

**Regarding argument (B)**, Examiner relies on the argument above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 7-9, 12-14, 18-21, 24, 26, and 27 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sinex (US 6,571,158 B2) in view of Ferriter (US 5,212,635) and Slate et al. (US 2002/0147603 A1).

**Regarding claim 1**, Sinex teaches:

A system for measuring work productivity (col. 9, lines 17-19, employee efficiency is work productivity) comprising:

an activities-recording computer (col. 17, lines 9-13, client/server and Internet technologies are a web server, which is an activities-recording computer);

a first memory device in communication with the activities-recording computer, the first memory device having at least a first to-do list stored therein (col. 3, lines 29-31, col. 17, lines 9-16, memory is implied);

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at least a first technician computer in communication with the activities- recording computer (col. 17, lines 9-16, implied by client/server), the first technician computer being operated by a first technician (col. 7, lines 35-46); and

at least a first display monitor connected to the first technician computer (col. 7, lines 34-36, screen);

at least a first input device connected to the first technician computer (col. 7, lines 38-41);

wherein the activities-recording computer retrieves the first to-do list from the first memory device and sends it to the first technician computer (col. 3, lines 29-31, col. 17, lines 9-13, means for are the client/server Internet technology), the first to-do list including items planned to be completed in the current workday (col. 7, lines 35-60 of Sinex teach a GUI (Fig. 7) in which the user can selected all tasks due within a user-specified date range, such as the current workday), the first technician computer causing the first to-do list to be displayed on the first display monitor (col. 7, lines 34-37, Fig. 7), and wherein if the first technician selects an item on the displayed first to-do list with the first input device, the first technician computer sends an indication of the selection to the activities-recording computer and the activities-recording computer causes the indication to be stored in the first memory device (col. 9, lines 9-19, the start time associated with the selected task is recorded);

wherein after an item on the to-do list is selected, an exception option displayed on the first display monitor is selected with the first input device, the exception option denoting events that divert the first technician away from working on the item for a period of time (col. 9, lines 23-34 teach tracking "corrective action" notes which were taken by a mechanic. Essentially,

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upon detection of an exception, corrective action is taken by the mechanic and recorded in the logbook); and

wherein after an item on the to-do list is selected and the exception presents problems that cannot be solved that current workday, a jeopardy option is selected, the activities-recording computer stores a jeopardy identifier in the first memory device, the jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier including a jeopardy code describing the type of the problem (fig. 7, taskcard number **364**, col. 13, lines 23-34, reason for delay).

**Sinex does not explicitly teach** wherein the activities-recording computer stores an exception start time indication in the first memory device, including a menu of exception categories, the technician selecting one of the exception categories.

**Ferriter teaches** wherein the activities-recording computer stores an exception start time indication in the first memory device (col. 5, lines 35-44, suspension is exception).

The inventions of Sinex and Ferriter pertain to monitoring work productivity. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Ferriter does not teach away from or contradict Sinex, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching of Sinex of recording work-in-progress notes, which are essentially exceptions that occur during task execution (col. 12, lines 43-53).

**Neither Sinex nor Ferriter explicitly teach** the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories.

Slate teaches the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories (par. 265, drop-down menu of selectable reasons for postponement).

The inventions of Slate, Sinex and Ferriter pertain to managing activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Slate does not teach away from or contradict Sinex or Ferriter, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching of Sinex of drop-down menus with selectable options (fig. 14).

**Regarding claim 2**, Sinex teaches a network, the activities-recording computer and the first technician computer being connected to the network and being in communication with each other via the network (col. 17, lines 9-16, the internet is a network).

**Regarding claim 3**, Sinex teaches wherein the activities-recording computer is a web server and wherein the first technician computer runs a web browser program that displays the first to-do list in a window on the first display monitor (col. 17, lines 9-16, internet browser is a web browser, col. 3, lines 29-31, col. 7, lines 34-37, Fig. 7).

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**Regarding claim 7**, Sinex teaches wherein the network is the Internet (col. 17, lines 9-16).

**Regarding claim 8**, Sinex teaches wherein if an item on the first to-do list is selected with the input device, a start time indication associated with the selected item is stored by the activities-recording computer along with the indication of the selection in the first memory device (col. 9, lines 9-22).

**Regarding claim 9**, Sinex teaches wherein if after an item is selected on the to-do list, a logoff option displayed on the first display monitor is selected with the first input device, the activities-recording computer stores a stop time indication associated with the item selected from the to-do list in the first memory device (col. 9, lines 9-22).

**Regarding claims 12-14, 18-21, and 24, 26, and 27**, they are rejected using the same art and rationale used above for rejecting claims 1-3 and 7-9. This is because claims 12-14 and 18-21 claim a method for performing the steps of the system of claims 1-3 and 7-9, while claims 24, 26 and 27 claim a computer program for performing the steps of the system of claims 1 and 8-9.

5. **Claims 4-6 and 15-17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Sinex (US 6,571,158 B2) in view of Ferriter (US 5,212,635) and Slate et al. (US 2002/0147603 A1) as applied to claims 3 and 14, respectively.

**Regarding claim 4**, Sinex does not teach wherein the network is an intranet that uses a Transmission Control Protocol/Internet Protocol (TCP/IP) to transmit packets to IP addresses on the network.

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Official notice is given that wherein the network is an intranet that uses a Transmission Control Protocol/Internet Protocol (TCP/IP) to transmit packets to IP addresses on the network is old and well-known. Additionally, the methods for implementing TCP/IP within an intranet network are old and well-known. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as official notice does not teach away from or contradict Sinex, but rather, teaches a function that was not explicitly addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sinex with official notice motivated by the advantage of using a standardized transfer protocol.

**Regarding claim 5**, Sinex does not teach wherein the network is a local area network (LAN).

Official notice is given that wherein the network is a local area network (LAN) is old and well-known. Additionally, the methods for implementing the network as a LAN are old and well-known. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as official notice does not teach away from or contradict Sinex, but rather, teaches a function that was not explicitly addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would have

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been obvious to one of ordinary skill in the art at the time of the invention to combine Sinex with official notice motivated by the advantage of keeping the network local.

**Regarding claim 6**, Sinex does not teach wherein the network is a wide area network (WAN).

Official notice is given that wherein the network is a wide area network (WAN) is old and well-known. Additionally, the methods for implementing the network as a WAN are old and well-known. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as official notice does not teach away from or contradict Sinex, but rather, teaches a function that was not explicitly addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sinex with official notice motivated by the advantage of making the network more widely available.

**Regarding claims 15-17**, they are rejected using the same art and rationale used above for rejecting claims 4-6. This is because claims 15-17 claim a method for performing the steps of the system of claims 4-6.



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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January 13, 2010

/J. C./

Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624